

11-19-3

Image DAC/34

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/913,345
Filing Date	March 25, 2002
First Named Inventor	Garssen et al.
Group Art Unit	1743
Examiner Name	Unknown
Attorney Docket Number	2183-5034US

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Postcard receipt acknowledgment (attached to the front of this transmittal)	<input type="checkbox"/> Information Disclosure Statement, PTO/SB/08A; <input type="checkbox"/> copy of cited references	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16	<input type="checkbox"/> Supplemental Information Disclosure Statement; PTO/SB/08A; copy of cited references and Check No. in the amount of \$180.00	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Response to Restriction Requirement/Election of Species Requirement dated	<input type="checkbox"/> Petition for Extension of Time and Check No. in the amount of \$	
<input type="checkbox"/> Amendment in response to office action dated	<input checked="" type="checkbox"/> Petition To Notify Office Of Typographical Error In The Name Of An Inventor And Request Correction Thereof	<input checked="" type="checkbox"/> The Commissioner is authorized to charge Deposit Account 20-1469 the fee set forth in 37 C.F.R. § 1.17(h)
<input type="checkbox"/> Amendment under 37 C.F.R. § 1.116 in response to final office action dated	<input type="checkbox"/> Fee Transmittal Form	
<input type="checkbox"/> Additional claims fee - Check No. in the amount of \$	<input type="checkbox"/> Certified Copy of Priority Document(s)	
<input type="checkbox"/> Letter to Chief Draftsman and copy of FIGS. with changes made in red	<input type="checkbox"/> Assignment Papers (for an Application)	
<input type="checkbox"/> Transmittal of Formal Drawings	Remarks	
<input type="checkbox"/> Formal Drawings ( sheets)	The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Bretton L. Crockett	Registration No. 44,632
Signature		
Date	November 18 2003	

**CERTIFICATE OF MAILING**Express Mail Label Number: EL 994821885 USDate of Deposit: November 18, 2003Person Making Deposit: Christopher Haughton



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Garssen et al.

**Serial No.:** 09/913,345

**Filed:** March 25, 2002

**For:** PRION TEST

**Confirmation No.:** 8607

**Examiner:** Unknown

**Group Art Unit:** 1743

**Attorney Docket No.:** 2183-5034US

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EL 994821885 US

Date of Deposit with USPS: November 18, 2003

Person making Deposit: Christopher Haughton

**PETITION TO NOTIFY OFFICE OF TYPOGRAPHICAL ERROR IN THE NAME OF  
AN INVENTOR AND REQUEST CORRECTION THEREOF  
(37 C.F.R. § 1.182 and M.P.E.P. §§ 201.03 and 605.04(g))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.182, Applicants hereby Petition the Commissioner to notify the Office of a typographical error in the submitted name of an inventor and request correction of the same in the above identified application, in accordance with M.P.E.P. § 605.04(g).

As set forth in M.P.E.P. § 201.03, a request for correction of inventorship under 37 C.F.R. § 1.48 is not required "[w]here there is no change of individual but an incorrect name was given, see 37 CFR 1.182 and MPEP § 605.04(g)." In the present case, an incorrect spelling was provided for the third named inventor.

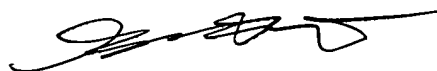
The Declaration and Power of Attorney Patent Application (Design or Utility) filed in the present application was executed August 7, 2001 and provided the third inventor's name as

Joannes Pieter Maria Langeveld. A copy of this declaration is provided herewith as Exhibit A. This typographical error was made without deceptive intent. The correct spelling of the inventor's name is actually Johannes Pieter Maria Langeveld. An executed Declaration including the correct spelling of the inventor's name is provided as Exhibit B to this Petition.

Pursuant to 37 C.F.R. § 1.182, it is requested the file of the application be corrected as set forth in M.P.E.P. § 605.04(g) to correct the typographical error in the name of the inventor.

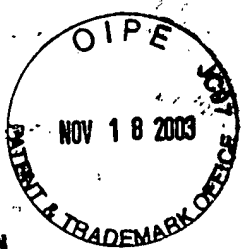
The Patent Office is authorized to deduct the fee set forth in 37 C.F.R. § 1.17(h), and any additional fees required by this paper, from Deposit Account No. 201469.

Respectfully submitted,



Bretton L. Crockett  
Registration No. 44,632  
Attorney for Applicants  
TRASKBRITT  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: November 18, 2003  
BLC/blh



### Declaration and Power of Attorney Patent Application (Design or Utility)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: 'Prion test'

the specification of which

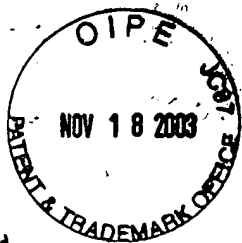
- ☐ is attached hereto  
x was filed on August 10, 2001 as application serial no. 09/913,345  
and or PCT International Application number PCT/NL00/00079 and was amended  
on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information know to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 35 U.S.C. §365(b) of any foreign application(s) for patent or inventor's certificate, or 35 U.S.C. §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate of PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)		
Number 99200391.3	Country EP	Day/Month/Year Filed 11-02-1999
Number	Country	Day/Month/Year Filed
Number	Country	Day/Month/Year Filed



I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s)	
Serial Number	Day/Month/Year Filing Date
Serial Number	Day/Month/Year Filing Date
Serial Number	Day/Month/Year Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or under 35 U.S.C. §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Prior U.S. or International Application(s)		
Serial Number	Day/Month/Year Filed	Status (patented, pending, abandoned)
Serial Number	Day/Month/Year Filed	Status (patented, pending, abandoned)
Serial Number	Day/Month/Year Filed	Status (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



## Power of Attorney

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

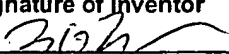
Attorney	Registration Number
David V. Trask	22,012
Laurence B. Bond	30,549
Allen C. Turner	33,041
Edgar R. Cataxinos	39,931
Samuel E. Webb	P44,394
William S. Britt	20,969
Joseph A. Walkowski	28,765
Kent S. Burningham	30,453
Brick G. Power	38,581
Eleanor V. Goodall	35,162
Thomas J. Rossa	26,799
James R. Duzan	28,393
Robert G. Winkle	37,474
Kenneth C. Booth	42,342

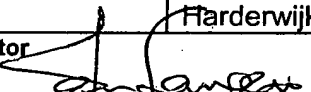
I hereby authorize them or others whom they may appoint to act and rely on instructions from and communicate directly with the person/organization who/which first sends this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instructed otherwise.

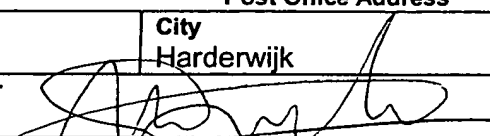
Please direct all correspondence in this case to at the address indicated below:


TRASK, BRITT, & ROSSA  
P.O. Box 2550  
Salt Lake City, Utah 84110


Full Name of Sole or First Inventor		
Family Name	First Given Name	Second Given Name
Garssen	Gerrit	Jan
Residence and Citizenship		
City of Residence	State or Country of Residence	Country of Citizenship
Driebergen	The Netherlands	The Netherlands
Post Office Address		
Street Address	City	State & Zip Code or Country
Prinses Marijkelaan 9	Driebergen	3972 AJ
Signature of Inventor		Date
		7 AUGUST 2001

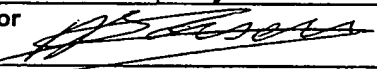
Full Name of Second Inventor, if any		
Family Name Jacobs	First Given Name Jorg	Second Given Name Günther
Residence and Citizenship		
City of Residence Lelystad	State or Country of Residence The Netherlands	Country of Citizenship The Netherlands
Post Office Address		
Street Address Horst 19-31	City Lelystad	State & Zip Code or Country 8225 LV
Signature of Inventor 		Date 7 August 2001

Full Name of Third Inventor, if any		
Family Name Langeveld	First Given Name Joannes	Second Given Name Pieter, M.
Residence and Citizenship		
City of Residence Harderwijk	State or Country of Residence The Netherlands	Country of Citizenship The Netherlands
Post Office Address		
Street Address Stedenmeer 12	City Harderwijk	State & Zip Code or Country 3844 JB
Signature of Inventor 		Date 7/8/2001

Full Name of Fourth Inventor, if any		
Family Name Smits	First Given Name Marinus	Second Given Name Adrianus
Residence and Citizenship		
City of Residence Harderwijk	State or Country of Residence The Netherlands	Country of Citizenship The Netherlands
Post Office Address		
Street Address Mastmeer 18	City Harderwijk	State & Zip Code or Country 3844KE
Signature of Inventor 		Date 7 August 2001

Full Name of Fifth Inventor, if any		
Family Name van Keulen	First Given Name Lucien	Second Given Name Johannes, M.
Residence and Citizenship		
City of Residence Oudemirdum	State or Country of Residence The Netherlands	Country of Citizenship The Netherlands
Post Office Address		
Street Address Kerkstraat 50	City Oudemirdum	State & Zip Code or Country 8567 JH
Signatur f Inventor 		Date 7 August 2001

Full Name of Sixth Inventor, if any		
Family Name Schreuder	First Given Name Bram	Second Given Name Edward, C.
Residence and Citizenship		
City of Residence Lelystad	State or Country of Residence The Netherlands	Country of Citizenship The Netherlands
Post Office Address		
Street Address Rozengard 13-10	City Lelystad	State & Zip Code or Country 8212 DE
Signature of Inventor 		Date 7 <sup>th</sup> August 2001

Full Name of Seventh Inventor, if any		
Family Name Bossers	First Given Name Alexander	Second Given Name
Residence and Citizenship		
City of Residence Lelystad	State or Country of Residence The Netherlands	Country of Citizenship The Netherlands
Post Office Address		
Street Address Harderwijkstraat 137	City Lelystad	State & Zip Code or Country 8244 DG
Signature of Inventor 		Date 7 <sup>th</sup> August 2001



03/022823

4/2

Attorney Docket No. 2183-5034US

## SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION (WITH POWER OF ATTORNEY)

As an inventor named below or on any attached continuation page, I hereby declare that:  
My residence, post office address and citizenship are as stated next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PRION TEST, the specification of which (check one):

- ☐ is attached hereto.  
☒ was filed on August 10, 2001 as United States application serial no. 09/931,345 and/or PCT international application no. PCT/NL00/0079, and was last amended on April 23, 2002.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and on any attached continuation page and have also identified below and on any attached continuation page any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America having a filing date before that of the application(s) on which priority is claimed.

Prior foreign/PCT application(s):

99200391.3	EP	11 Feb. 1999	Priority X	Claimed
(number)	(country)	(day/month/year filed)	Yes	No
(number)	(country)	(day/month/year filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of PCT international application(s) designating the United States of America listed below and on any attached continuation page and, insofar as the subject matter of each of the claims of this application is not disclosed in any such prior application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available



Attorney Docket No. 2183-5034US

**SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION**  
(continuation page)

Invention Title: PRION TEST

between the filing date of such prior application and the national or PCT international filing date of this application:

_____	_____	_____
(application serial no.)	(filing date)	(status—pending, patented or abandoned)
_____	_____	_____
(application serial no.)	(filing date)	(status—pending, patented or abandoned)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

_____	_____
(provisional application no.)	(filing date)

I hereby appoint the following Registered Practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David V. Trask, Reg. No. 22,012	William S. Britt, Reg. No. 20,969
Laurence B. Bond, Reg. No. 30,549	Joseph A. Walkowski, Reg. No. 28,765
James R. Duzan, Reg. No. 28,393	H. Dickson Burton, Reg. No. 48,396
Allen C. Turner, Reg. No. 33,041	Edgar R. Cataxinos, Reg. No. 39,931
Kent S. Burningham, Reg. No. 30,453	Brick G. Power, Reg. No. 38,581
Kevin K. Johanson, Reg. No. 38,506	Krista Weber Powell, Reg. No. 47,867
Shawn G. Hansen, Reg. No. 42,627	Bretton L. Crockett, Reg. No. 44,632
Tawni L. Wilhelm, Reg. No. 47,456	Bradley B. Jensen, Reg. No. 46,801
Andrew F. Nilles, Reg. No. 47,825	Grcg T. Warder, Reg. No. 50,208
Katherine A. Hamer, Reg. No. 47,628	Marcus S. Simon, Reg. No. 50,258
Trent N. Butcher, Reg. No. 51,518	G. Scott Dorland, Ph.D., Reg. No. 51,622

Address all correspondence to: Allen C. Turner, telephone no. (801) 532-1922.

**TRASKBRITT, PC**  
P.O. Box 2550  
Salt Lake City, Utah 84110

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that